

# Memorandum

July 9, 2012

TO: Presiding Judge, 7<sup>th</sup> Judicial District

FROM: Rose McVay, Mental Health Advocate

RE: XXXXXXXXXXXX

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As the Mental Health Advocate for Jackson County, I have asked the clerk to present this memo along with the complete Court file for reconsideration.

The Court received a periodic physicians report dated June 20, 2012. Subsequently the Court issued an order for continued outpatient treatment. I would respectfully request the Court review said report again. The report is filed by XXXXXXXXXXXX. The report states that the respondent is not currently a danger to herself or others, she is not likely to inflict serious emotional injury on others and she is capable of providing for her basic needs. Although I am not an attorney, I believe per the legal definition of serious mental impairment and as supported by the Iowa Supreme Court ruling: BAA vs. University of Iowa Hospitals, 421 N.W. 2d 118 (Iowa 1988) a respondent would have to meet all three criteria of serious mental impairment by clear and convincing evidence in order to remain under a mental health commitment.

Based on the information provided, I would request the Court consider termination of this commitment and allow XXXXXXXXXXXX to continue her treatment on a voluntary basis.